



Virginia State Water Control Board Meeting September 24, 2020

Construction General Permit Regulation (9VAC25-880) Amendments as a Result of 2020 General Assembly Actions

Melanie D. Davenport

Director, Water Permitting Division

Virginia Department of Environmental Quality

September 24, 2020

Contact DEQ at 804-698-4470 or Kevin.Vaughan@DEQ.Virginia.gov if you have technical difficulties

Why are we amending the Construction General Permit?

- The 2020 General Assembly passed:
 - Chapter 565 (House Bill 1310) of the 2020 Acts of Assembly directs the Department of Environmental Quality (Department) to establish a process whereby any person that receives coverage under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities and that will be transporting fill from a project site for disposal as part of its land-disturbing activities shall disclose to the Department the following information, which the Department shall disclose to every locality where such fill will be disposed of: (i) the source of the fill to be disposed of, (ii) the contents of the fill, and (iii) the location of the disposal.

Changes in 9VAC25-880

- **9VAC25-880-50 B 4. Registration Statement – offsite support activities.**
 - Grammatical correction and added clarifying language related to off-site support activities.
- **9VAC25-880-50 B 5. Registration Statement – status of construction activity.**
 - Addition of text to address transport of excavated material off-site.
- **9VAC25-880-50 B 5 - 17. Registration Statement.**
 - Renumbering to reflect addition of new requirements.

Process

- **Final Exempt Process**

- The Administrative Process Act allows for an expedited adoption process if certain criteria are met.
- § 2.2-4006 A 4 (a): A regulation may be exempt from full process if it is “necessary to conform to changes in Virginia Statutory law or the appropriation act where no agency discretion is involved.”

End of Staff Presentation

- Are there any questions?

- The staff recommends:

Staff Recommended Action

The Board adopt the proposed amendments to the Construction General Permit regulation, authorize their publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.